

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
EXECUTIVE COMMITTEE
MINUTES OF PUBLIC HEARING**

DATE..... September 1, 2004
TIME..... 4:30 P.M.
PLACE CO. OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE IN 47901

MEMBERS PRESENT

Mark Hermodson
KD Benson
Steve Schreckengast
David Williams
Dr. Carl Griffin
Gary Schroeder
Bob Bowman

STAFF PRESENT

Sallie Fahey

Jay Seeger, Atty.
Bianca Bullock

Mark Hermodson called the meeting to order.

I. APPROVAL OF MINUTES

moved to approve the minutes of the August 4, 2004, Executive Committee public hearing as submitted. seconded and the motion carried by voice vote.

II. NEW BUSINESS

informed the Committee that **S-3507-THE OAKS SUBDIVISION (Minor Sketch)**, would need to be dismissed because the by-laws state that subdivisions can be continued until the sixth public hearing, at which meeting the case must be heard. As this is the sixth public hearing and the case is still not ready, it must be dismissed.

moved to dismiss **S-3507-THE OAKS SUBDIVISION**. seconded the motion and the vote carried by voice vote.

A. Final Detailed Plans

1. RESOLUTION PD 04-24: WESTMINSTER VILLAGE PLANNED DEVELOPMENT (Z-2168):

Final Detailed Plans containing both construction plans and final plat for 12.399 acre expansion of Westminster Village Community that includes the addition of a laundry/maintenance building lot and 38 single-family lots for independent living homes. The site is located on the west side of Salisbury between Sagamore Parkway and Cumberland Avenue in West Lafayette, Wabash 7 (NW) 23-4.

Moved to hear and vote on the above-described request. Seconded.

The Commission voted by ballot yes – no to approve **RESOLUTION PD 04-24: WESTMINSTER VILLAGE PLANNED DEVELOPMENT (Z-2168)**.

III. PUBLIC HEARING

moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance for Tippecanoe County, Indiana are hereby entered by reference into the record of each agenda item. seconded and the motion carried by voice vote.

A. Subdivisions

1. S-3520 – STANDIFORD MINOR SUBDIVISION (Minor-Sketch):

Petitioners are seeking primary approval for a 1-lot subdivision on 1.0 acre, located on the east side of CR 250 E, just south of CR 350 S, Wea 10 (SE) 22-4. CONTINUED FROM THE JULY APC MEETING BECAUSE OF AN ERROR IN THE LEGAL DESCRIPTION.

Steve Schreckengast moved to hear and vote on the above-described request. Carl Griffin seconded the motion.

Kathy Lind presented slides of the zoning map, 2 aerial photos, and development plan. She read the staff report with recommendation of conditional primary approval contingent on the following:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrances, a "No Vehicular Access" statement shall be platted along the Concord Road right-of-way line.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be platted.
5. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

6. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Tim Balansiefer, TBird, 4720 S 100 W Lafayette, IN 46041, surveyor for the petitioner, concurred with the staff report and asked for approval

The Committee voted by ballot 7 yes to 0 no to grant conditional primary approval **S-3520—STANDIFORD MINOR SUBDIVISION (Minor-Sketch).**

2. S-3537 – BROOKS SUBDIVISION (Minor-Sketch):

Petitioner is seeking primary approval for a 2-lot subdivision on 6.798 acres, located on the west side of CR 50 W, just north of the CR 650 N intersection, in Tippecanoe 19 (NW) 24-4. CONTINUED FROM THE JULY APC MEETING BY PETITIONER'S REQUEST.

Steve Schreckengast moved to hear and vote on the above-described request. Carl Griffin seconded the motion

Kathy Lind presented slides of the zoning map, 2 aerial photos, and development plan. She recapped the staff report with recommendation of conditional primary approval contingent on the following:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the existing entrance and the approved entrance, a "No Vehicular Access" statement shall be platted along the CR 50 W right-of-way line.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgement from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document number and date recorded).
4. All required building setbacks shall be platted.
5. The street addresses and County Auditor's Key Number shall be shown.
6. Parcel 2 of P99-75 shall be dissolved prior to recordation of the final plat.
7. The deed for the exemption "E" tract (combining said tract with an adjacent property) must be recorded prior to the final plat.
8. The outline of both parcel 1 and the exemption "E" tract on the plat (if shown at all) shall be clearly labeled and drawn lighter and narrower than the boundary lines of the subdivision to distinguish them as not being within the subdivision boundaries.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

9. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Bob Gross, RW Gross & Associates, 420 Columbia Street, Lafayette, IN, concurred with the staff report. He then asked for approval.

Mark Hermodson expressed concern over the possibility of adding driveways into the Exemption "E" lot, creating many driveways into a major thoroughfare.

Kathy Lind explained the tract is an Exemption "E" because the tract is not a separate building site and must always be connected to the parcel on the west. She also explained there is an existing driveway along the north property line.

KD Benson asked if there was a house and an existing driveway located on Parcel 1.

Bob Gross answered affirmatively.

Mark Hermodson asked if there was a way to restrict the location of driveways.

Jay Seeger responded that the current Ordinance requires that developers have construction access to the subdivision, but the Committee does not have jurisdiction over the location of the driveways but rather the county Highway Department has jurisdiction.

The Committee voted by ballot 7 yes to 0 no to grant conditional primary approval **S-3537—BROOKS SUBDIVISION (Minor-Sketch).**

3. S-3544 – BEUMEL'S MEADOW SUBDIVISION (Minor-Sketch):

Petitioner is seeking primary approval for a 4-lot subdivision on 12.026 acres, located at the southeast corner of SR 38 and CR 950 E, in Sheffield 11 (SE) 22-3.

Steve Schreckengast moved to hear and vote on the above-described request. Carl Griffin seconded the motion.

Kathy Lind presented slides of the zoning map, 2 aerial photos, and development plan. She recapped the staff report with recommendation of conditional primary approval contingent on the following:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the existing entrances, a "No Vehicular Access" statement shall be platted along the SR 38 E and CR 950 E right-of-way lines.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks (as shown on the revised sketch plan) shall be platted.
4. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

5. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Nick Armistance-Ocean, PO Box 309, Mulberry, IN, concurred with the staff report. He then asked for approval.

Jim Lapointe, 3730 S 950 W, Lafayette, IN, pointed out his property as across the street from the petition. He said he moved to his current home in order to remove themselves from traffic and for peace and quiet. He expressed he does not have a problem with the petition, but is concerned about the location of the entrance to the subdivision. He also asked who would be financially responsible for road upkeep.

Kathy Lind said that the Highway Department is in charge of driveways based on site distance. She pointed out the existing pole barn, which has an existing driveway.

Janet Beumel, PO Box 309, Mulberry, IN expressed there are no future plans for an added driveway.

Jim Lapointe asked if the subdivision would be accessible from State Road 38.

Janet Beumel answered affirmatively.

Jim Lapointe asked how far from CR 950 E the first structure would be.

Janet Beumel responded there are two lots between State Road 38 and the railroad, with a distance of approximately 60 or 70 feet.

KD Benson asked if the subdivision will be able to gain access on State Road 38.

Kathy Lind replied that INDOT has not requested information about the driveway. She believes their policy is to let each developer create access to their lot.

The Committee voted by ballot 7 yes to 0 no to grant conditional primary approval **S-3544 – BEUMEL’S MEADOW SUBDIVISION (Minor-Sketch).**

- 4. S-3547 – MIKE’S EXPRESS CARWASH MINOR SUBDIVISION (Minor-Sketch):**
 Petitioner is seeking primary approval for a 2-lot commercial subdivision on 2.55 acres, located at the southwest corner of SR 26 and Park East Boulevard, in the City of Lafayette, Fairfield 26 (NE) 23-4.

Steve Schreckengast moved to hear and vote on the above-described request. Carl Griffin seconded the motion.

Kathy Lind presented slides of the zoning map, 2 aerial photos, and development plan. She recapped the staff report with recommendation of conditional primary approval contingent on the following:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. If required by the City Engineer’s Office, a “No Vehicular Access” statement shall be platted along the Commerce Drive right-of-way line except for the approved entrance.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks, including Lot 1’s front setback if varied, shall be platted.
4. The street addresses and County Auditor’s Key Number shall be shown.
5. A 30’ utility easement shall be platted along the west property line of Lot 1.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

5. The “No Vehicular Access” restriction, if required by the City, shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN, concurred with the staff report and asked for approval. He also explained how the proposed subdivision would make Lot 1 conforming along with the rest of the subdivision.

Dave Williams asked for clarification.

Kathy Lind explained that Mike’s Carwash was built 6’ closer to the road within the 60’ setback than required.

Joe Bumbleburg said that the State often does not remain consistent with its descriptions of right-of-way or access roads.

The Committee voted by ballot 7 yes to 0 no to grant conditional primary approval **S-3547 – MIKE’S EXPRESS CARWASH MINOR SUBDIVISION (Minor-Sketch).**

IV. APPROVAL OF THE AUGUST 18, 2004 APC PUBLIC HEARING AGENDA PUBLIC HEARING

A. REZONING ACTIVITIES

Steve Schreckengast moved that the following ordinance amendment and rezone petitions be placed on the August 18, 2004 Area Plan Commission Public Hearing Agenda:

UZO AMENDMENT #45

Z-2191 – O'MALLEY & O'MALLEY, LLC (McCormick Place) (PDRS & R1 TO PDRS)
 Z-2193 – RMD PROPERTIES (Hilltop PD) (NB TO PDNR)
 Z-2196 – KOMARK BUSINESS COMPANY (R3 TO NB)
 Z-2197 – JOHN H. PURVIS & RACHEL JOHNSON (R3W TO NB)
 Z-2198 – SMITH ENTERPRISES, INC. (R1B TO GB)
 Z-2199 – EAGLE'S NEST, INC. (R1 TO R1B)
 Z-2200 – EAGLE'S NEST, INC. (R1 TO R1A)
 Z-2201 – LAUTH PROPERTY GROUP (I3 TO GB)
 Z-2202 – LAUTH PROPERTY GROUP (I3 TO GB)
 Z-2203 – LAUTH PROPERTY GROUP (I3 TO GB)
 Z-2204 – LAUTH PROPERTY GROUP (I3 TO GB)
 Z-2205 – MARY SHORT (R1 TO GB)

Carl Griffin seconded and the motion carried by voice vote.

B. SUBDIVISIONS

Steve Schreckengast moved that the following subdivision petitions be placed on the August 18, 2004 Area Plan Commission Public Hearing Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3540 – DAUGHERTY COMMERCE CENTER, PART 2
S-3541 – MASON'S RIDGE
S-3553 – MCCOOL MINOR, REPLAT OF OUTLOT 1

Carl Griffin seconded and the motion carried by voice vote.

V. REVIEW AND APPROVAL OF THE JULY ABZA PUBLIC HEARING AGENDA

Steve Schreckengast moved to place the following petitions on the August 25, 2004 Area Board of Zoning Appeals Public Agenda:

BZA-1669 – SHAWN & STEPHANIE FOSTER
BZA-1670 – ERIC S. & DONNA S. FERGASON
BZA-1672 – DAVID P. & MICHELLE K. POUNDS
BZA-1673 – JEFFREY R. & MARGY NAGY
BZA-1674 – BURKHART SIGN SYSTEM
BZA-1675 – CINGULAR WIRELESS

Carl Griffin seconded and the motion carried by voice vote.

Steve Schreckengast moved that **BZA-1673 – JEFFREY R. & MARGY NAGY** and **BZA-1675 – CINGULAR WIRELESS** petitions for special exceptions does not substantially adversely affect the comprehensive plan. Carl Griffin seconded and the motion carried by voice vote.

Steve Schreckengast moved that with regard to the following petition, the sign ordinance be strictly adhered to:

BZA-1674 – BURKHART SIGN SYSTEM

Carl Griffin seconded and the motion carried by voice vote.

VI. DETERMINATION OF VARIANCES

A. LAFAYETTE DIVISION OF THE AREA BOARD OF ZONING APPEALS

Steve Schreckengast moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute:

2004-32 – JACK WILHELM
2004-33 – DOLLAR TREE
2004-34 – MIKE'S NO. 26, LLC

Carl Griffin seconded and the motion carried by voice vote.

Steve Schreckengast moved that with regard to the following petition, the sign ordinance be strictly adhered to:

2004-33 – DOLLAR TREE

Carl Griffin seconded and the motion carried by voice vote.

VII. REVIEW AND APPROVAL OF THE JUNE BUDGET REPORT

Margy Deverall reviewed the July Budget Report.

Steve Schreckengast moved to accept the July 2004 Budget Report as submitted. Carl Griffin seconded and the motion carried by voice vote.

VIII. OTHER BUSINESS

Margy Deverall presented an email to the Committee from Kevin Heber of the Indiana Trails Organization. She said he would like to present information regarding the Farm Heritage Trail Project.

Mark Hermodson suggested that another presentation could be “piggy-backed” with the Farm Heritage Trail Project presentation.

Carl Griffin moved to make an opportunity so that Mr. Heber may come to make a presentation to the full Area Plan Commission at a mutually agreeable time. Steve Schreckengast seconded and the motion carried by voice vote.

IX. ADJOURNMENT

Steve Schreckengast moved to adjourn the meeting. Carl Griffin seconded and the motion carried by voice vote.

The meeting adjourned at 5:10 P.M.

Respectfully submitted,



Bianca Bullock
Recording Secretary

Reviewed by,

Margy Deverall
Assistant Director